

Steven L. Beshear
Governor



Terry Holliday, Ph.D.
Commissioner of Education

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
DEPARTMENT OF EDUCATION

Capital Plaza Tower • 500 Mero Street • Frankfort Kentucky 40601
Phone: (502) 564-4770 • www.education.ky.gov

January 15, 2010

Thelma Meléndez de Santa Ana, Ph.D.
Assistant Secretary for Elementary and Secondary Education
Office of Elementary & Secondary Education
US Department of Education
400 Maryland Avenue, SW; Room 3W315
Washington, DC 20202-6110

Dear Assistant Secretary Meléndez de Santa Ana:

Kentucky is seeking approval to make changes to Kentucky's State Application Accountability Workbook that impact Adequate Yearly Progress (AYP) reporting in 2010. The changes will assure that reporting is based on stable data and accurately reflects the performance of Kentucky schools. The changes are:

- Modifying 2010 testing window to ensure timely AYP decisions to schools,
- Modifying State Report Card components,
- Implementing state legislative changes impacting AYP reporting—revision of definitions for Other Academic Indicator for elementary and middle schools and safe harbor,
- Reporting of the four-year adjusted cohort graduation rate,
- Revising the Uniform Averaging Procedure,
- Defining the process of review for districts that exceed the one percent (1%) proficiency cap for alternate achievement standards students with the most significant cognitive disabilities, and
- Updating Kentucky's Consolidated State Application Accountability Workbook to implement the US Department of Education (USED) findings/recommendations identified during the Federal Title I/III Audit.

Each of the bulleted items above are explained below:

- ✓ Modifying 2010 testing window to insure timely AYP decisions to schools



Kentucky requests to amend "Section 1.4 -- How does the State provide accountability and adequate yearly progress decisions and information in a timely manner?" Kentucky intends to comply with the Title I regulations issued in October 2008. The state will report AYP decisions to schools in time to allow LEAs to provide notice to the parents of each child of that identification. The notice, which will outline supplemental education services (SES) options, including the option to transfer the parent's child to another public school, will be provided no later than 14 calendar days before the start of the school year (34 C.F.R. 200.37(b)(4)(iv)). Kentucky, in 2009, applied for and received a waiver allowing Kentucky to report AYP results in September 2009. Three federally declared natural disasters associated with weather conditions occurred in Kentucky during the 2008-2009 school year. Kentucky has now established the testing window to assure meeting the reporting requirements for AYP decisions. The 2010 testing window will occur from April 19 to April 30, 2010.

✓ Modifying State Report Card Components

Kentucky requests to amend "Section 1.5 -- Does the State Accountability System produce an annual State Report Card?" The Kentucky Department of Education (KDE) will modify the state report card incorporating additional components identified during the federal Title I/III Audit. The additional components are:

- Information on student achievement at each proficiency level on the State academic assessments disaggregated by American Indian or Alaska Native students;
- Comparison of the actual achievement levels of four groups of students (American Indian or Alaska Native, migrant, males and female) to the State's annual measurable objectives for each required assessment;
- Percentage of students not tested in reading and mathematics in the American Indian or Alaska Native, migrant, male and female groups;
- Percentage of students not tested in science, disaggregated by group;
- Most recent two-year trend in student achievement in reading and mathematics for grades 3-8;
- Professional qualifications of teachers in the State, including the percentage teaching with emergency or provisional credentials, and the percentage of classes not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools; and,
- Number of recently arrived LEP students who are not assessed on the State's reading/language arts test (LEP Regulation 200.6).

✓ Implementing State legislative changes impacting AYP reporting—revision of definitions for Other Academic Indicator for elementary and middle schools and safe harbor

Kentucky requests to amend "Section 3.2 -- How does the State Accountability System determine whether each student subgroup, public school and LEA makes AYP?" Enacted during the 2009 Kentucky General Assembly, Senate Bill 1 (SB1) created a three-year interim assessment period (2008-2009, 2009-2010, 2010-2011) and a new assessment system scheduled to begin in 2011-2012. Senate Bill 1 (SB1) significantly changed the state assessment requirements and suspended the state accountability program. Kentucky's definitions for other academic indicator at elementary and middle school and safe harbor previously have required the prior year academic

index from the state accountability program. Beginning with 2010 AYP reporting, this index is no longer available. The Kentucky Board of Education approved in December 2009 new regulatory definitions for the other academic indicator and safe harbor to enable Kentucky to generate AYP reports. These new definitions are explained below.

Kentucky will amend the calculation for the other academic indicator at elementary and middle school levels. Schools and districts shall demonstrate improvement on the state-required assessment for Science, Social Studies and Writing On-Demand. Improvement shall be defined as an increase in the current year aggregate percentage of students scoring proficient and above compared to the prior year or performance at or above the state aggregate percentage or a decrease in the aggregate percentage of students scoring at the Novice level for all five state-required content areas combined (reading, mathematics, science, social studies, and writing on-demand). The calculation shall apply the confidence interval used with the reporting of reading and mathematics in No Child Left Behind Adequate Yearly Progress determinations. Students included in the calculation for other academic indicator at elementary and middle school shall be those students enrolled for any 100 instructional days of the current school year being reported.

Kentucky will amend the calculation for safe harbor. Schools and districts will meet safe harbor when the performance of total students or subpopulation(s) not meeting the annual measurable objective improves by reducing the percentage of students scoring below proficient by ten (10) percent.

✓ Reporting of the four-year adjusted cohort graduation rate

Kentucky received a waiver from USED to extend the deadline to meet the reporting of the four-year adjusted cohort graduation rate to the 2013-2014 school year. In 2009-2010 Kentucky will continue using the National Center of Educational Statistics (NCES) defined four-year completion or leaver rate as the graduation rate for accountability calculations. This formula is documented and is approved in Kentucky's Consolidated State Application Accountability Workbook. The graduation rate collected for the 2009-2010 school year shall be included in the nonacademic data release in the aggregate and disaggregated by ethnicity-based student groups. Starting in 2010-2011, the Kentucky Department of Education shall use the Averaged Freshmen Graduation Rate (AFGR) definition from the NCES as the calculation. The AFGR reported in 2010-2011 shall be used to report publicly nonacademic data and to make AYP determinations.

✓ Revising the Uniform Averaging Procedure

Kentucky requests to amend "Section 3.2 – How does the State Accountability System determine whether each student subgroup, public school and LEA makes AYP?"

In 2007 Kentucky was approved for the Uniform Averaging Procedure using two options in No Child Left Behind legislation. First, Section 1111(b)(2)(J)(1) indicates that a State may average data from the school year for which the determination is made with the data from one or two school years immediately preceding that school year. Additionally, Section 1111(b)(2)(J)(iii) permits the State to use data across grades in a school.

With additional years of AYP school data using common assessments, Kentucky wishes to average data from the school for which the determination is made with the data from two (2) or three (3) school years immediately preceding the school year.

- ✓ Defining the process of review for districts that exceed the one percent (1%) proficiency cap for alternate achievement standards students with the most significant cognitive disabilities

The Kentucky Department of Education will collaborate with local education agencies to ensure implementation of the one percent cap on the inclusion of proficient scores from alternate assessment students in Adequate Yearly Progress determinations at the district level. The following procedures will accomplish this work:

Step 1: Identification of Districts Exceeding One Percent Cap

The Office of Assessment and Accountability conducts data analysis to identify districts in which greater than one percent of Alternate Assessment students have scored proficient or above.

Step 2: Notification of Districts Exceeding One Percent Cap

District Assessment Coordinators (DACs) in districts exceeding the one percent cap are notified of this condition and provided an opportunity to submit additional information for the Kentucky Department of Education to consider.

Step 3: Justification Submitted by Districts Exceeding One Percent Cap

Districts submit to the Kentucky Department of Education an explanation to justify why they have exceeded the one percent cap.

Step 4: Review of Justification

Kentucky Department of Education staff reviews the justification submitted from districts and decides to support or not support the justification. Districts will be notified of decision. Reasons to support the justification will be based on federal guidance. For example, Kentucky has several districts with small total student populations—small size may be a supportable reason for exceeding the one percent cap. If supported, district work is completed and KDE staff move to Step 6. If not supported, districts move to Step 5.

Step 5: Determination of Necessary Data Change

Office of Assessment and Accountability staff works collaboratively with local district to determine necessary data changes that will be applied in order to bring the district into alignment with the one percent cap.

Step 6: Generation of AYP—NCLB Reports

Office of Assessment and Accountability generates and releases publicly the Adequate Yearly Progress determinations as required by No Child Left Behind.

- ✓ Updating Kentucky's Consolidated State Application Accountability Workbook to implement US Department of Education (USED) findings/recommendations identified during the Federal Title I/III Audit

The Kentucky Title I/III audit conducted by USED in the fall of 2009 has resulted in findings/recommendations that the KDE is in the process of implementing as follows:

- Audit Indicator 1.1 – SEA has approved systems of academic content standards, academic achievement standards and assessment (including alternate assessments) for all required subjects and grades, or has an approved timeline for developing them. The USED finding is that KDE did not consistently ensure that LEAs were complying with

policies regarding assessment accommodations for Limited English Proficient (LEP) students and the KDE did not communicate those policies consistently to all LEAs . . .

Kentucky requests to amend "Section 5.4 – How are students with limited English proficiency included in the State's definition of adequate yearly progress?" To ensure consistent information regarding assessment accommodations for LEP students, Kentucky is updating data collection screens in the state student data system and is providing information to highlight Kentucky Administrative Regulation 703 KAR 5:070, Inclusion of Special Populations in the State-Required Assessment and Accountability Programs, the legal basis for test accommodations. Section 6 of the regulation provides guidance on the implementation of the specific accommodations. Other actions not affecting the Workbook are also underway and will be reported to USED.

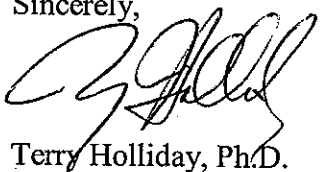
- Audit Indicator 1.4 – The SEA has ensured that LEAs have published annual report cards as required. The USED finding is that KDE did not consistently ensure that LEA report cards contain the required elements.

Kentucky requests to amend "Section 1.5 – Does the State Accountability System produce an annual State Report Card?" KDE will produce new LEA and school report card templates incorporating the required modifications and will use these templates for the production of the 2009-2010 LEA school report cards. When the templates are complete, and before the publication of the 2009-2010 report cards, Kentucky will share these with USED for approval.

We look forward to receiving a prompt response to the requested changes described above in order that we can revise Kentucky's State Application Accountability Workbook and apply the changes to the 2009-2010 test data.

If you have questions on this matter, please contact Ken Draut at 502-564-2256 or via e-mail at Ken.Draut@education.ky.gov . Thank you for consideration of this request.

Sincerely,



Terry Holliday, Ph.D.

cc: Kentucky Board of Education members
Zollie Stevenson, Jr.
Vickie Robinson
Larry Stinson

Mary Ann Miller
David Harmon
Victoria Hammer
Ken Draut

TH:KD:re

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862.

2. The second part is a report from the Secretary of the Treasury, dated January 3, 1862, on the state of the Treasury.

3. The third part is a report from the Secretary of the Interior, dated January 3, 1862, on the state of the Interior.

4. The fourth part is a report from the Secretary of the Navy, dated January 3, 1862, on the state of the Navy.

5. The fifth part is a report from the Secretary of the War, dated January 3, 1862, on the state of the War.

6. The sixth part is a report from the Secretary of the State, dated January 3, 1862, on the state of the State.

7. The seventh part is a report from the Secretary of the War, dated January 3, 1862, on the state of the War.

8. The eighth part is a report from the Secretary of the Navy, dated January 3, 1862, on the state of the Navy.

9. The ninth part is a report from the Secretary of the Interior, dated January 3, 1862, on the state of the Interior.

10. The tenth part is a report from the Secretary of the Treasury, dated January 3, 1862, on the state of the Treasury.